-

-

ORAL ORDER:

Heard the learned Counsel for the petitioner and also learned Government Pleader for Revenue.

Petitioner claiming to be in possession of 0.54 cts. of land in Sy.No.506/1 situated at Chittoor Town, Chittoor District filed the present writ petition stating that when the Revenue Officer issued notice under Section 7 of the Land Encroachment Act (for short 'the Act') he filed O.S.No.721 of 1989 before the Principal District Munsif, Chittoor which was partly decreed. Against which he filed appeal, which was allowed, and the matter was remanded to the trial Court. Questioning the remand order petitioner filed C.M.A.No.2258 of 1998 and the same is pending. While so, pursuant to Section 7 notice, the revenue authorities passed eviction order. Questioning the same petitioner filed W.P.No.12457 of 1998, which was allowed setting aside the order of eviction with a direction to the petitioner to submit his explanation and on submission of explanation necessary orders should be passed. Accordingly the petitioner submitted his explanation in the month of September, 1999 but so far no final orders are passed or communicated to the petitioner. While the matter stood thus, on 18-08-2004 the officials of the respondent—municipality came to the site of the petitioner and threatened that the land vests with the municipality and they would demolish the zinc shed constructed by the petitioner, which is nothing but arbitrary and illegal.

Once this Court disposed of the writ petition directing the petitioner to submit his explanation and the petitioner has submitted the same, the authorities are under obligation to pass appropriate orders on the said explanation under Section 6 of the Act. On passing the final order and on expiry of appeal period only the respondent can demolish the property of the petitioner.

In view of the same, if any final orders are passed on the explanation submitted by the petitioner the same should be communicated to the petitioner. Only on communication of the said order and on expiry of appeal period, if the petitioner prefers any appeal, the respondent can take further action in the matter.

The writ petition is accordingly disposed of. No costs.

_____

A.GOPAL REDDY,J

24-08-2004

Note: Issue Wire tomorrow.

(bo)

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Chittoor Municipality, Chittoor.

2. Two CD copies.